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9 Attorneys for Defendant Abbott
10 Laboratories Inc.

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 RAVINDRANATH V. PUROHIT, an
individual,

14 Plaintiff,

15 vs.

16 ABBOTT LABORATORIES INC., a
17 Delaware Corporation; DOES I through
X, inclusive; and ROE BUSINESS
18 ENTITIES I through X, inclusive,

19 Defendants.

Case No. 2:25-cv-01026-JAD-EJY

**STIPULATION TO STAY
DISCOVERY PENDING MOTION
TO DISMISS**

1 Plaintiff Ravindranath V. Purohit and Defendant Abbott Laboratories
2 Inc. (“Abbott”) stipulate to stay discovery for the following reasons:

3 1. In response to the complaint (ECF No.1-1), Abbott filed a motion
4 to dismiss (ECF No. 12) on July 9, 2025. Plaintiff’s response is currently due on
5 July 23, 2025.

6 2. The motion to dismiss seeks dismissal of all claims in this case,
7 with prejudice, on the basis that Plaintiff’s claims re preempted by federal law under
8 21 U.S.C. § 360k(a) (express preemption clause) and/or 21 U.S.C. § 337(a) (FDCA’s
9 “no private right of action” clause).

10 3. The parties agree that the commencement of discovery should be
11 stayed until this motion to dismiss is decided because, if granted, it will resolve all
12 claims in this case and requires no discovery to decide nay issues in that motion.
13 Fed. R. Civ. P. 1’s goal of a “just, speedy, and inexpensive determination of every
14 action and proceeding” are best met by this temporary stay to conserve judicial and
15 party resources. *See Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
16 2013).

17 4. The relevant factors that determine whether to stay discovery
18 pending resolution of a potentially dispositive motion justify granting a stay here.
19 *See Kor*, 294 F.R.D. at 581 (“[M]otions to stay discovery may be granted when: (1)
20 the pending motion is potentially dispositive; (2) the potentially dispositive motion
21 can be decided without additional discovery; and the Court has taken a ‘preliminary
22 peek’ at the merits of the potentially dispositive motion and is convinced that the
23 plaintiff will be unable to state a claim for relief.”).

For these reasons, the parties request the Court stay discovery pending decision on ECF No. 12 and direct the parties to file a discovery plan and scheduling order within 14 days after ECF No. 12 is decided if the case has not been dismissed.

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: July 10, 2025